IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1745 of 1999
with
SPECIAL CIVIL APPLICATION No 3458 of 2000
with
SPECIAL CIVIL APPLICATION No 4597 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE D.H.WAGHELA Sd/-

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

1 to 5 No

ONGC EMPLOYEES UNION THROUGH V TULSIDHARAN

Versus

ONGC LTD

Appearance:

MR NR SHAHANI for Petitioners
M/S TRIVEDI & GUPTA for Respondent No. 1
NOTICE SERVED BY DS for Respondent No. 2, 3, 4

CORAM : MR.JUSTICE D.H.WAGHELA

Date of decision: 09/10/2000

ORAL JUDGEMENT

1. Heard the learned counsel for the respective parties. Learned Counsel Mr.Shahani seeks permission to delete petitioner No.5 in Special Civil Application No.3458 of 2000. Permission granted.

2. The learned Counsel agree that an order be passed in these petitions in terms of the earlier order passed in Special Civil Application Nos.5511, 8795 and 9515 of 1999. Accordingly, it is directed as under:

(a) The petitioners shall approach the Conciliation Officer with respect to their demands for which the petitions are filed within five weeks from today.

(b) The Conciliation Officer shall submit an appropriate report within three months from the date of hearing the parties after taking into consideration their rival contentions and objections.

(c) In case failure report is drawn by the Conciliation Officer, in that event, the appropriate Government shall take decision by passing appropriate order of making a reference, at an early date, within four weeks from the date of receipt of the report. Interim relief granted by this Court shall continue till such decision is communicated and for a further period of five weeks.

(d) In case the present contract between the principal employer as well as the contractor comes to an end or for any other reason and if the corporation discontinues the present contractor, it will be open for the principal employer to award fresh contract by inserting a clause that the new contractor will continue the present petitioner during the continuation of the interim relief. It is clarified that it will be the sole discretion of the appropriate authority and/or the Labour Court/ Industrial Tribunal to continue or not to continue the interim relief granted and continued by this Court in this order. It is further clarified that it will be open for the concerned contractor to take appropriate disciplinary action against the petitioner in case of their involvement in any misconduct including absenteeism in accordance with law.

3. In view of the above directions, no further orders are required to be passed in these petitions and the same are accordingly disposed. Rule/Notice is discharged with no order as to costs. Interim relief stands vacated subject to the directions given hereinabove.

Sd/-

(D.H.Waghela, J.)

(KMG Thilake)

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